

CHAPTER NO. 76

SENATE BILL NO. 1114

By Atchley, Southerland

Substituted for: House Bill No. 1688

By Head

AN ACT to amend Tennessee Code Annotated, Title 55, relative to mobile and manufactured homes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 55-1-105, is amended by adding the following new subdivision:

(5) "Manufactured home" means any structure, transportable in one (1) or more sections, which, in the traveling mode, is eight (8) body-feet or more in width or forty (40) or more body-feet in length, or when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained therein. The term includes any structure that meets all of the requirements of this subdivision except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the United States Secretary of Housing and Urban Development and complies with the standards established by Title 42 of the United States Code. As defined herein, "manufactured home" also has the same meaning as "mobile home", as defined in Title 68, Chapter 126, and "manufactured home", as defined in § 47-9-102.

SECTION 2. Tennessee Code Annotated, Section 55-1-105(1), is amended by adding the following language at the end of the subdivision:

"Mobile home or house trailer" shall include any "manufactured home" as defined in subdivision (5).

SECTION 3. Tennessee Code Annotated, Section 55-3-101(a), is amended by adding the following new subdivision:

(8) No certificate of title need be obtained or maintained where the manufactured home is affixed to real property in accordance with § 55-3-138.

SECTION 4. Tennessee Code Annotated, Section 55-3-126(a), is amended by deleting the language "A lien" in the first sentence and by substituting instead the following:

Except as provided for manufactured homes complying with the requirements of Part 138 of this chapter, a lien

SECTION 5. Tennessee Code Annotated, Title 55, Chapter 3, Part 1, is amended by adding the following language as a new, appropriately designated section:

Section 55-3-138. (a) If a manufactured home is affixed to a parcel of real property, as provided in the affidavit of affixation, and the legal ownership of the manufactured home and real property is identical, the owner may surrender the certificate of the title of such manufactured home to the Department of Safety for cancellation by providing the following documentation:

(1) The certificate of the title to the manufactured home, or each separate certificate of title if the manufactured home consists of more than one (1) unit, duly endorsed or otherwise showing the release of any lienholders noted on the certificate of title; or if the manufactured home is a new home not covered by a certificate of title, the manufacturer's statement or certificate of origin;

(2) A copy of the deed or other instrument of conveyance of legal ownership to the real property to which the manufactured home has become affixed conveying a fee simple or other legal ownership interest in the subject real property and which has been certified by the office of the register of deeds of the county in which the real property is located; and

(3) A certified copy of an affidavit of affixation executed by all persons who have such a legal ownership interest in the manufactured home and the real property to which the manufactured home has become affixed stating that the manufactured home is affixed to the real property described in the deed or other instrument which has been duly recorded in the office of the register of deeds of the county in which the real property and manufactured home is located.

(b) The affidavit of affixation shall contain the following information:

(1) The names of all of the legal owners of the manufactured home and real property to which the manufactured home and real property to which the manufactured home has become affixed;

(2) The year built, manufacturer's name, model name or model number, serial number, length and width of the manufactured home;

(3) The physical address of the real property to which the manufactured home has become affixed;

(4) The legal description of the real property to which the manufactured home has become affixed;

(5) A statement that the manufactured home is to be taxed as an improvement to the real property;

(6) The name and mailing addresses of any lienholders holding consensual security interests in the manufactured home or whose liens have been noted upon any certificate of title covering the manufactured home;

(7) The decal number of the permit decal affixed to the manufactured home by virtue of § 68-126-406 or any successor statute, indicating that the manufactured home has been set up in accordance with the uniform standards code adopted in Title 68, Chapter 126, Part 2,

or if no decal has been affixed to the manufactured home, a statement that:

(A) All permits required by applicable governmental authorities have been obtained;

(B) The foundation system for the manufactured home complies with all laws, rules, regulations and codes and manufacturer's specifications applicable to the manufactured home becoming a permanent structure upon the real property; and

(C) The wheels and axles have been removed.

(8) A statement that the manufactured home is permanently connected to a septic or sewer system and other utilities such as electricity, water and gas;

(9) A statement of the preparer of the affidavit of affixation as required by § 66-24-115 or any successor statute; and

(10) Due acknowledgement of the signature of each affiant as required by Title 66, Chapter 22 or any successor statute.

Any affidavit of affixation containing the foregoing shall be recorded by the appropriate county register of deeds. A copy of the affidavit shall be filed with the assessor of property in order to assist in locating and identifying manufactured home for property tax purposes.

(c) Recordation of the affidavit of affixation containing the terms set forth in subsection (b) shall be *prima facie* evidence that the manufactured home has become affixed to the real property as an improvement to real property and shall satisfy the requirements of 11 USC § 1322(b)(2) or any successor statute, to the extent the manufactured home constitutes the owner's principal residence.

(d) The affidavit of affixation required pursuant to the provisions of this section shall be in substantially the following form:

THIS INSTRUMENT PREPARED BY:

**AFFIDAVIT OF AFFIXATION
(MANUFACTURED HOME)**

STATE OF _____)
COUNTY OF _____) ss.:

BEFORE ME, the undersigned notary public, on this day personally appeared

[type the name(s) of each Homeowner signing this Affidavit]:

known to me (or satisfactorily proven) to be the person(s) whose name(s) is/are subscribed below (each a "Homeowner"), and who, being by me first duly sworn, did each on his or her oath state as follows:

1. Homeowner(s) owns the manufactured home ("Home") described as follows:

| | | | | | |
|---------------------------|----------|------|-------|---------------------|-------|
| _____ | New/Used | Year | _____ | Manufacturer's Name | _____ |
| _____ | | | | | |
| _____ | | | | | |
| Manufacturer's Serial No. | | | | | |

Model Name and No.

2. The Home is or will be located at the following "Property Address":

| | | | | |
|-------|-----------------|-------|-------|-------|
| _____ | Street or Route | _____ | City | _____ |
| _____ | County | _____ | State | _____ |
| _____ | Code | _____ | Zip | _____ |

5. The legal description of the real property where the Home is or will be permanently affixed ("Land") is:

6. The Homeowner(s) executing below is/are all the legal owner(s) of the real property to which the Home has become permanently affixed.

7. The Home shall be assessed and taxed as an improvement to the Land.

8. Check one:

- A. ____ The Home bears permit decal number _____ (appearing in the inside cover of the electrical box for the Home), indicating that the Home has been "set up" in accordance with the Uniform Standards Code (Tennessee Code Annotated, Section 68-126-406); OR
- B. ____ (1) All permits required by applicable governmental authorities have been obtained;
- (2) The foundation system for the Home complies with all laws, rules, regulations and codes and manufacturer's specifications applicable to the manufactured home becoming a permanent structure upon the real property; and
- (3) The wheels and axles have been removed.

9. The Home is permanently connected to a septic or sewer system and other utilities such as electricity, water and gas.

10. The Home is subject to the following security interests (each, a "Security interest"):

Name of Lienholder: _____ Name _____ of
Lienholder: _____

Address: _____ Address: _____

Original Principal Amount Secured: _____ Original
Amount Secured: _____

11. Other than those disclosed in this Affidavit, the Homeowner is not aware of (i) any other claim, lien or encumbrance affecting the Home, (ii) any facts or information known to the Homeowner that could reasonably affect the validity of the Homeowner's title to the Home or the existence or non-existence of security interests in the Home.

This Affidavit is executed by Homeowner(s) pursuant to applicable state law and shall be recorded in the real property records in the County in which the Home is located.

Further Affiant(s) sayeth naught.

Homeowner #1

Printed Name

Homeowner #2 (If more than one Homeowner)

Printed Name

Homeowner #3 (If more than two Homeowners)

Printed Name

STATE OF _____
COUNTY OF _____

Personally appeared before me, _____, a Notary Public in and for the State and County aforesaid, _____, the within named person(s), with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who acknowledged that he/she executed the foregoing instrument for the purposes therein contained.

WITNESS my hand and seal at office, on this ____day of _____, 20__.

Notary Public

My Commission Expires:

ATTENTION COUNTY REGISTER OF DEEDS: This instrument covers goods that are or are to become fixtures on or improvements to the Property described herein and is to be filed for record in the real estate records.

SECTION 6. Tennessee Code Annotated, Title 55, Chapter 3, Part 1, is amended by adding the following language as a new section:

Section 55-3-139. If the legal owner of a manufactured home, and the real property to which the manufactured home has become affixed, desires a canceled certificate of title to be reissued, the legal owner shall:

- (1) Reapply for a new certificate pursuant to the provisions of this chapter;
- (2) Provide an abstract of land title showing legal ownership of the manufactured home and real property along with any mortgages recorded upon the real property;
- (3) For every lienholder listed on the abstract of land title, provide a lien release as to the manufactured home or lienor's statement that such lien is to be recorded on the face of the certificate of title for the manufactured home; and
- (4) Pay the required fee for the certificate of title for the manufactured home or for each component unit.


SECTION 7. Tennessee Code Annotated, Section 55-4-405(a), is amended by deleting the language "exceeding sixty feet (60') in length, including towing vehicle, except for vehicles being transported under an annual width permit, in which case a permit shall be required for the transport of any mobile home exceeding ninety feet (90') in length, including towing vehicle." and by substituting instead the following language "exceeding one hundred twenty feet (120') in length, including towing vehicle."

SECTION 8. This act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: April 21, 2003



JOHN S. WILDER
SPEAKER OF THE SENATE



JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 5th day of May 2003



PHIL BREDEBEN, GOVERNOR